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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,491	01/26/2004	Christopher Stewart	PD-203075	9546
20/991 7590 07/25/2008 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 2230 E. IMPERIAL HIGHWAY EL SEGUNDO, CA 90245				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
07/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/765,491

**Applicant(s)**

STEWART, CHRISTOPHER

**Examiner**

JASON K. LIN

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 38, 39 and 49-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 38, 39 and 49-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to application No. 10/765,491 filed on 02/11/2008.

**Claims 1-13, 38-39, and 49-56** are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/11/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to **claims 1-13, 38-39, 49-50** have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-13, 38-39, and 49-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al (US 7,321,923) in view of Stumphauzer, II (US 2003/0014767).

Consider **claim 1**, Rosenberg teaches an interactive entertainment system (Fig. 2) comprising:

a system server, said system server residing at a communication center (Server 280-Fig.2; Col 3: line 65 – Col 4: line 48);

a system database, said system database residing at the communication center and accessible by the system server (Col 7: lines 3-13 teaches profiles corresponding to a user's preferences stored at remote server 280-Fig.2. *A database would be necessary in order to hold all the different user profiles at the system server*);

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files for streaming transmission over a first communication network (Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

user rating information for said entertainment files for a plurality of users stored on the system database (Col 7: lines 3-13 teaches profiles corresponding to a user's preferences stored at remote server 280-Fig.2. Fig.1,2 teaches multiple users being served by the headend system).

a receiver (202-Fig.1),

a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback regarding the user rating of said streaming entertainment file to submit an updated user rating that is transmitted to the communication center via a second communication network and stored on the system database (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums); and

a user output device, where said output device plays the streaming entertainment file (202-Fig.2, Col 19: lines 27-30, 34-40).

Rosenberg does not explicitly teach where the system server retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in a first communication network;

where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the first communication network;

where the receiver receives the unique user rating information and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to retrieve a preferred streaming entertainment file;

user rating stored on the system database for retrieval during subsequent streaming; and

said output device plays the preferred streaming entertainment file.

In an analogous art Stumphauzer, teaches where the system server retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in a first communication network (Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels may contain different genre types of content. Paragraph 0015 teaches that programming can be any type of programming such as music, radio shows, television programs, etc.);

where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the first communication network (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

where the receiver receives the unique user rating information (Paragraph 0034-0035) and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to retrieve a preferred streaming entertainment file (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content);

user rating stored on the system database for retrieval during subsequent streaming (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

output device plays the preferred streaming entertainment file (Paragraph 0049-0050 teaches tuning to the preferred content. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig.2 and Paragraph 0020 teaches a display 2160 - Fig.2 and input/output device(s) 2170 - Fig.2).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Rosenberg's system to include where the system server retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in a first communication network; where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the first communication network; where the receiver receives the unique user rating information and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to retrieve a preferred streaming entertainment file; user rating stored on the system database for retrieval during subsequent streaming; and said output device plays the preferred streaming entertainment file, as taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of

manually flipping through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003).

Consider **claim 38**, Rosenberg teaches an entertainment system that enables the selective transfer of entertainment files (Fig.2) comprising:

a system server, said system server residing at a communication center (Server 280-Fig.2; Col 3: line 65 – Col 4: line 48);

a system database, said system database residing at the communication center and accessible by the system server (Col 7: lines 3-13 teaches profiles corresponding to a user's preferences stored at remote server 280-Fig.2. *A database would be necessary in order to hold all the different user profiles at the system server*);

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files for streaming transmission over a first communication network (Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

a receiver (202-Fig.1),

a user output device, where said output device plays the streaming entertainment file (202-Fig.2, Col 19: lines 27-30, 34-40); and



a user input device, where said user input device enables a user to press a blocker key to block play of the retrieved and currently streaming entertainment file without specifying a different entertainment file causing the receiver to first try to select another entertainment file, selecting the next highest ranked entertainment file having a ranking equal to or less than the blocked file (Col 5: lines 44-54 teaches a user interface including input devices that allow the user to input commands and make selections. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. *The blocker key can be a key on the input device that allows the user to issue the block command*).

Rosenberg does not explicitly teach where the system server retrieves the plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network;

where the receiver reviews a current entertainment guide for the streaming files, ranks those files based upon user rating information assigned by the user and retrieves a files that meets a user's preferences via the first communication network;

a user output device, where said output device plays the retrieved streaming entertainment file; and

first selecting another entertainment file having a higher ranking than the blocked file, tune to the corresponding channel and stream the selected entertainment file to the user output device.

In an analogous art Stumphauzer teaches, where a system server retrieves a plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network (Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels may contain different genre types of content. Paragraph 0015 teaches that programming can be any type of programming such as music, radio shows, television programs, etc.);

where a receiver reviews a current entertainment guide for the streaming files, ranks those files based upon user rating information assigned by the user and retrieves a files that meets a user's preferences via the first communication network (Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content);

a user output device, where said output device plays the retrieved streaming entertainment file (Paragraph 0049-0050 teaches tuning to the preferred content. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig.2 and Paragraph 0020 teaches a display 2160 - Fig.2 and input/output device(s) 2170 - Fig.2);

first selecting another entertainment file having a higher ranking than the blocked file, tune to the corresponding channel and stream the selected entertainment file to the user output device (Paragraph 0049-0050 teaches selecting and tuning to an entertainment file having a higher ranking than the blocked file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Rosenberg's system to include where a system server retrieves a plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network; where a receiver reviews a current entertainment guide for the streaming files, ranks those files based upon user rating information assigned by the user and retrieves a files that meets a user's preferences via the first communication network; a user output device, where said output device plays the retrieved streaming entertainment file; and first selecting another entertainment file having a higher ranking than the blocked file, tune to the corresponding channel and stream the selected entertainment file to the user output device, as taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of manually flipping through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003). Therefore, in the combination of Rosenberg and Stumphauzer, a file with a higher rating is tuned to first, but if not present (if

unsuccessful), it defaults to selecting another entertainment file equal or less than the blocked file to be outputted.

Consider **claim 49**, Rosenberg teaches a method of transmitting entertainment files through a receiver (Fig.2) comprising the steps of:

a. storing a plurality of entertainment files and unique user rating information for at least one user on a database (Col 7: lines 3-13 teaches profiles corresponding to a user's preferences stored at remote server 280-Fig.2. *A database would be necessary in order to hold all the different user profiles at the system server.* Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server);

c. streaming a plurality of entertainment files to the receiver via the first communications network (Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums);

e. directing the streaming entertainment file from the receiver output to a user output device that plays the streaming entertainment file (202-Fig.2, Col 19: lines 27-30, 34-40); and

f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating (Col 10: lines 8-57

teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2); and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

Rosenberg does not explicitly teach b. streaming the user rating information via first communications network to the receiver;

c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communication network;

d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output;

g. subsequent streaming of user ratings

In an analogous art Stumphauzer teaches, b. streaming user rating information via first communications network to a receiver (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communication network (Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels may contain different genre types of content. Paragraph 0015 teaches that programming can be any type of programming such as music, radio shows, television programs, etc.);

d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

g. subsequent streaming of user ratings (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Rosenberg's system to include, b. streaming user rating information via first communications network to a receiver; c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communication network; d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user

rating information on the currently streaming files and directing the retrieved file to a receiver output; g. subsequent streaming of user ratings, as taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of manually flipping through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003).

Consider **claim 2**, Rosenberg and Stumphauzer teach said plurality of entertainment files contain audio content (Rosenberg – Col 5: lines 13-15 teaches being able to tune to any audio/video channel to receive content. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 3**, Rosenberg and Stumphauzer teach said plurality of entertainment files contain video content (Rosenberg – Col 5: lines 13-15 teaches being able to tune to any audio/video channel to receive content. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 4**, Rosenberg and Stumphauzer teach said plurality of entertainment files contain both video and audio content (Rosenberg – Col 5: lines 13-15 teaches being able to tune to any audio/video channel to receive content. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 5**, Rosenberg and Stumphauzer teach said audio content includes songs (Rosenberg – Col 4: line 65 – Col 5: line 8 teaches playing songs. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 6**, Rosenberg and Stumphauzer teach said songs include a plurality of music genres (Rosenberg – Col 4: line 65 – Col 5: line 8 teaches playing songs. Fig.7, Col 6: line 58 – Col 7: line 2 teaches different music genres. Fig.28, Col 19: lines 28-30 teaches recordings stored on the server. Stumphauzer – Paragraph 0028).

Consider **claim 7**, Stumphauzer further teaches a plurality of music genres are categorized (Paragraph 0028 teaches that a specific selection of



songs could be “artists from the eighties, or baroque classical music.” Paragraph 0029 teaches music can be ranked with numbers, with the higher number taking precedence over the smaller one. As shown on Fig. 6, the plurality of music can be prioritized according to rank selections Fig. 6, 6070, thereby categorized by rank) and streamed for listening through the user output device (Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rosenberg and Stumphauzer to include a plurality of music genres are categorized and streamed for listening through the user output device, as further taught by Stumphauzer, for the advantage of organizing content to provide the user desired playback in an efficient manner.

Consider **claim 8**, Rosenberg and Stumphauzer teach said video and audio content includes televised programming (Rosenberg – Col 5: lines 13-15 teaches being able to tune to any audio/video channel to receive content. Col 6: lines 6-10 teaches an embodiment in a cable-tv transmission system. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 9**, Rosenberg and Stumphauzer teach said reception device provides two way communications between the user and the system server via a bi-directional network that includes the first and second communication networks (Rosenberg - Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1).

Consider **claim 10**, Rosenberg and Stumphauzer teach where said first and second communication networks are different networks (Rosenberg - Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1).

Consider **claim 11**, Rosenberg and Stumphauzer teach where said first communication network is a satellite broadcasting system (Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams transmitted by satellite. Stumphauzer - Paragraph 0015 and 0017 teaches a satellite Fig.1, 1020 that is used to relay/broadcast programming to users).

Consider **claim 12**, Rosenberg and Stumphauzer teach where the second communication network is an internet connection (Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums, wherein one of the mediums can be through a network (e.g. the Internet)).

Consider **claim 13**, Stumphauzer further teaches said reception device includes a user database (Stumphauzer - Paragraph 0020 teaches a storage device Fig.2, 2180 at the receiver that contains a user playlist).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rosenberg and Stumphauzer to include said reception device includes a user database, as further taught by Stumphauzer, for the advantage of providing efficient and instant access to data for the user.

Consider **claim 39**, Rosenberg and Stumphauzer teaches wherein said user rating information is stored on the system database (Rosenberg - Col 7: lines 3-13 teaches profiles corresponding to a user's preferences stored at remote server 280-Fig.2. *A database would be necessary in order to hold all the different user profiles at the system server*; Stumphauzer - Paragraph 0032 teaches storing the playlist containing rating information for each desired song)

and retrieved for streaming transmission in the first communication network (Stumphauzer - Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods), said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback including blocking and rating said entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming (Rosenberg – Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file that is being played. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. Col 10: lines 14-20, 50-55 teaches sending an updated user rating to the system server to update the user profile. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content. Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite).

Consider **claim 50**, Rosenberg and Stumphauzer teach wherein said user feedback includes nothing, blocking and rating the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the blocking by tuning to a next channel (Rosenberg – Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file that is being played. *The user can also choose not to input any rating or blocking, therefore during no action and rating, the entertainment file continues to play unchanged.* Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1).

Consider **claim 51**, Rosenberg and Stumphauzer teach that said user rating information comprise ratings assigned by that user to said entertainment files (Stumphauzer - Paragraph 0029 teaches a ranking for each program on the user playlist), said receiver reviewing the currently streaming entertainment files, ranking those files based upon their ratings and retrieving the file that meets user's preferences (Stumphauzer - Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically tuning to the

specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Consider **claim 52**, Rosenberg and Stumphauzer teach that said receiver reviews a current entertainment guide provided for the streaming entertainment files to rank the files (Stumphauzer - Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcast on each channel. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Consider **claim 53**, Rosenberg and Stumphauzer teach that said current entertainment guide is transmitted over the first communication network (Stumphauzer - Paragraph 0021 teaches transmitting channels of programming over a satellite Fig.1, 1020, as several clusters. Paragraph 0022 teaches that the PDT that contains information about programming currently being broadcast and to be broadcast on each channel is provided in each cluster).

Consider **claim 54**, Rosenberg and Stumphauzer teach that said receiver first determines if the streaming entertainment file on the current channel has an

acceptable rating and if acceptable continues to stream that entertainment file to the user output device (Stumphauzer - Paragraph 0049-0050 teaches if a rating of the current file is acceptable, the current program continues to play), otherwise said receiver selects another higher rated entertainment file, tunes to the corresponding channel and streams that higher rated entertainment file to the user output device (Stumphauzer - Paragraph 0049-0050 teaches that if the program currently played can be interrupted, the higher ranked program will automatically tuned to. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Consider **claim 55**, Rosenberg and Stumphauzer teach wherein if the user presses a blocker key on the user input device to block the current streaming entertainment file without specifying a different entertainment file, said receiver tries to select another entertainment file, selecting the next highest entertainment file having a rating based on the user rating information equal to or less than the current entertainment file (Rosenberg – Col 5: lines 44-54 teaches a user interface including input devices that allow the user to input commands and make selections. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file

is selected to be reproduced. *The blocker key can be a key on the input device that allows the user to issue the block command)*

Stumphauzer further teaches first selecting another entertainment file having a higher rating based on the user rating information, tunes to the corresponding channel and streams that next highest rated entertainment file to the user output device (Stumphauzer - Paragraph 0049-0050 teaches selecting and tuning to an entertainment file having a higher ranking than the blocked file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rosenberg and Stumphauzer to include first selecting another entertainment file having a higher rating based on the user rating information, tunes to the corresponding channel and streams that next highest rated entertainment file to the user output device, as further taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of manually flipping through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003). Therefore, in the combination of Rosenberg and Stumphauzer, a file with a higher rating is tuned to first, but if not present (if unsuccessful), it defaults to selecting another entertainment file equal or less than the blocked file to be outputted.

Consider **claim 56**, Rosenberg and Stumphauzer teach wherein said receiver is tuned to one said channel and stream the corresponding



entertainment file to the user output device, said user input device enables the user to do nothing, block and rate the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the block by tuning to a next channel (Rosenberg – Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file that is being played. *The user can also choose not to input any rating or blocking, therefore during no action and rating, the entertainment file continues to play unchanged.* Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content), said rating and blocking being feedback to update the user rating information stored on the system database (Rosenberg – Col 10: lines 14-20, 50-55 teaches sending an updated user rating to the system server to update the user profile).

***Cited Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meyers discloses an input device that contains a multi-position switch that allows the user to input five categories of preferences for an entertainment file, (1) play this a lot, (2) play this more often, (3) Rest/Neutral, (4) Play this less often, (5) never play this again in (US 7,031,931).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 2623

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

07/20/2008

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